

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, AUGUST 2, 2004
AT 2:00 P.M.
COMMITTEE ROOM – 12TH FLOOR**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Due to the anticipated length of the regular City Council meeting for August 3, 2004, the Mayor is calling a Special Closed Session meeting for Monday, August 2, 2004, in the Committee Room on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California. **The Special Closed Session will commence immediately following the conclusion of the regular open session meeting that day.**

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on August 2, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. **The Closed Session called pursuant to this memorandum may continue into Tuesday, August 3, 2004.**

The agenda for the Special Closed Session is the following:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *Friends of San Diego v. City of San Diego*
San Diego Superior Court No. GIC 800565**

DCA assigned: FitzGerald

This is a petition for Writ of Mandate in which the plaintiffs challenge the City Council's certification of a Final Environmental Impact Report [FEIR] for the City of Villages Strategic Framework Element, adoption of a Five-Year Action Plan, and related actions taken on October 22, 2002 [Project]. The lawsuits seeks a writ vacating certification of the FEIR and enjoining the City from taking any steps to further the Project until additional environmental review is conducted. The City Attorney requests that the Mayor and City Council consider a possible settlement of this case in closed session.

**CS-2 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191**

DCA assigned: Gleeson

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

**CS-3 *Alvord Unified School District; Bobbie Jo Ayala v. City of San Diego*
San Diego Superior Court No. GIC797243**

DCA assigned: Sherman

This case arises out of a motor vehicle accident in which a trash dumpster fell off a City truck being driven by a City employee on I-5. The dumpster hit a school bus driven by Bobbie Jo Ayala, who contends she was injured. The City Attorney requests that the Mayor and City Council consider a possible settlement of this case in closed session.

**CS-4 *Jeremy Aue v. City of San Diego*
San Diego Superior Court No. GIC816432**

DCA assigned: Lasman

This case arises out of an incident in which a twenty-nine year old man was injured when he stepped into an uncovered sewer lateral clean-out box in a sidewalk in downtown San Diego. The City Attorney requests that the Mayor and City Council consider a possible settlement of this claim in closed session.

**CS-5 *Department of Industrial Relations' Determination*
Public Works Case No.2003-007**

HDCA assigned: Katz

This is updating the matter of an appeal of the Department of Industrial Relations' Determination concerning the Ballpark and Infrastructure Projects as well as a subsequent audit on the Infrastructure Projects.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-6 In the matter of *City of San Diego Bond Offerings*, Securities & Exchange Commission No. LA-2842, and United States Attorney's Office Investigation into certain City of San Diego Financial Disclosure Matters.

ACA assigned: Les Girard

The federal Securities & Exchange Commission and the United States Attorney's Office for the Southern District of California have initiated investigations into certain financial disclosure matters of the City. The investigations were initiated in mid-February, 2004, and the City has been cooperating with the investigating authorities in the course of the investigations to-date. In closed session, the City's outside counsel and the City Attorney will advise the City Council on the progress of the investigations and legal issues relating to the City's response to and cooperation with the investigating authorities.